

COUNTY OF LOUDOUN  
DEPARTMENT OF BUILDING AND DEVELOPMENT  
MEMORANDUM

**DATE:** July 24, 2009

**TO:** Stephen Gardner, Project Manager, Department of Planning

**FROM:** Val Thomas, Planner, Zoning Administration 

**THROUGH:** Mark Stultz, Assistant Zoning Administrator 

**CASE NUMBER AND NAME:** ZMAP 2006-0011 & ZCPA 2006-0003; Stone Ridge Commercial; 3rd Referral

---

Building and Development Zoning Staff has reviewed the above revised referenced rezoning (ZMAP) and zoning concept plan amendment (ZCPA) application for conformance with the applicable requirements of the *Revised 1993 Loudoun County Zoning Ordinance* ("the Ordinance") and has the following additional comments:

1. The Applicant is proposing to rezone 6.38 acres from PD-IP to R-24 zoning district (Land Bay 6). Pursuant to Section 3-702 (A), the R-24 zoning district must be located in areas abutting arterials and major collector roads. The proposed district is not located adjacent to any road. Therefore, Staff cannot support this proposed zoning change.
2. Pursuant to Section 3-708(C), a minimum common open space buffer of fifty feet in depth with a Category 2 Buffer Yard shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 8,000 square feet or greater. Such buffer may be included in open space calculations. Demonstrate conformance with this requirement of the Ordinance for Land Bay 6 (proposed R-24).
3. Pursuant to Section 3-702, the R-24 zoning district shall be located with pedestrian linkages to planned or existing employment centers, shopping or other community support services. Demonstrate conformance with this section of the Ordinance. In addition, this Section also requires that the district is served or planned to be served by public transit or designated for public transit in the Comprehensive Plan.
4. With regard to Section 3-708 (B), as no detailed layout is provided with this application, Staff cannot evaluate conformance with this section of the Ordinance at this time. Staff asks that either detail drawings be submitted with this application, or provide a note that this requirement will be evaluated at the time of site plan.

5. The Applicant is proposing to rezone a portion (2.9 acres) of MCPI # 204-26-3927 from R-16 to PD-CC(SC) and depict this as Land Bay EE1A on the CDP (Sheet 5). It should be noted that the minimum size required for a PD-CC(SC) zoning district is 20 acres. Therefore, the appropriate zoning district should be PD-CC(NC) which requires a minimum of 1.5 acres and a maximum of 6 acres of land. Staff notes that this zoning district does allow for a commuter parking lot use by right, although if this is the only use proposed in the zoning district, a special exception approval will be required. Please note that staff has not review conformance with the additional regulations of the PD-CC(SC) zoning district for this land bay, since the proposal does not meet the minimum required size of the district. It should be noted however, that the PD-CC(SC) zoning district also requires access to a major collector road and Millstream Drive is not a major collector road.
6. The Applicant is proposing to rezone 2.9 acres of MCPI #204-26-3927 from PD-CC(SC) to R-16 zoning district and depict this as Land Bay EE2A on the CDP (Sheet 5). Pursuant to Section 3-602, the R-16 zoning district shall be mapped only in locations in close proximity to arterials or major collector roads; with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services; consistent with the Comprehensive Plan; and planned or served by public transit or designate for public transit in the Comprehensive Plan. Demonstrate conformance with this section of the Zoning Ordinance.
7. Provide the active recreation space tabulation for Land Bay EE2A on the CDP (Sheet 5).
8. On Sheet 5, in the *Zoning Tabulation* for Land Bay EE2A, include the maximum units per Building as stated in Section 3-607(C).
9. Pursuant to Section 3-608(C), a minimum common open space buffer of fifty feet in depth with a Category 2 Buffer Yard shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 8,000 square feet or greater. Such buffer may be included in open space calculations. Demonstrate conformance with this requirement of the Ordinance.
10. With regard to Section 3-608 (B), as no detailed layout is provided with this application, Staff cannot evaluate conformance with this section of the Ordinance at this time. Staff asks that either detail drawings be submitted with this application, or provide a note that this requirement will be evaluated at the time of site plan.
11. On the CDP, clarify and label the "public use" proposed for Site #3 in Land Bay. The Statement of Justification states that the application propose public use sites for an additional commuter parking facility and fire and rescue station and the comment response note that the Public Use Site #3 in Land Bay 7 is the site for a future fire and rescue station. Clarify the location of the commuter site on the CDP. Please note that the PD-IP zoning district list commuter parking as a permitted use, and fire and rescue station as a special exception use. If the public use is for a fire and rescue station, and a special exception will be filed at a later

date, include a note to that effect on the CDP and label the fire/rescue use on the CDP.

12. Zoning defers to Community Planning to determine if the proposed PD-OP zoning district along Route 50 (Land Bay FF2B) is compatible with the Comprehensive Plan (Section 4-302(D)).
13. A minimum yard of 15 feet is required adjacent to the CLI zoning district (and Land Bay FF2B) pursuant to Section 4-305(B)(3). Depict this requirement on the CDP (Sheet 5) adjacent to the CLI zoning district to the east (MCPI # 204-39-8271).
14. Staff cannot evaluate compliance with Sections 4-307 as no detailed plan or illustrative is submitted for this application. Staff asks that the Applicant provide a detailed illustrative of the proposed design of the PD-OP district and demonstrate how such design conforms to the requirements of the ordinance.
15. Pursuant to Section 5-1406(E), a Type 5 Buffer Yard is required for any property adjacent to Route 50 (between Fairfax County line and Lenah Farm Lane on the north and Lenah Road on the south side). Depict such required buffer Type along Route 50 on the CDP.
16. Pursuant to Section 4-305(B) of the ordinance, No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such area. Therefore, a minimum yard of 100 feet adjacent to the R-24 zoning district (and Land Bay FF1A) to the south side is required. Please depict this required yard on the CDP.
17. The area of land between Land Bay 5R and 6 (Stone Carver Road) is proposed to be vacated. Please clarify if this area is included and counted in the calculation of open space. Staff also asks that the Applicant clarify regarding similar areas between other land bays as well.
18. On Sheet 4 (Land Bay 5R), the Applicant notes a 36 foot high noise buffer adjacent to Tall Cedars Parkway. It is not clear if this is what the Applicant intends to provide. Pursuant to approved Proffer VI.E., a 36 foot wide buffer yard measured from the edge of dedicated right-of-way, a six foot high fence and Type 1 rear buffer yard plantings are required along Tall Cedars Parkway. Please depict this requirement along Tall Cedars.
19. On the CDP (Sheet 5), clarify that Land Bay 5R is proposed to rezone to PDH-4 administered as R-8 to avoid confusion, since there are other land bays that are proposed as straight residential (R) districts.
20. As depicted on the CDP, there are areas between land bays that are not part of any land bay. Staff questions if all those areas are included towards open space. To avoid confusion, staff recommends that those areas be consolidated into open space Land Bays like Land Bay ZZ (shown on the CDP).
21. Staff questions if the area between Land Bay 6 and Land Bay 5R is proposed to be open space

when the road is vacated. It appears that currently it is proposed to be included in neither of the two land bays.

22. On Sheet 5 (CDP) Land Bay EE2A is shown as subject to ZCPA. However, on Sheet 3 it is
23. depicted that 2.1 acres of this land bay is proposed to be rezoned from PD-CC(SC) to R-16. The legend needs to be corrected on both sheets to indicate that this land bay is subject to both ZMAP and ZCPA.
24. On Sheet 4 of the rezoning plans, in the Zoning Modification section, please correct the reference from PD-SC to PD-CC(SC) zoning district, as this is the correct zoning district.

**Proffers:**

1. With regard to the Preamble in paragraph 2, Staff asks the Applicant to include the Land Bays associated with the zoning districts for ease of clarification.
2. The proffers for the library site are being amended, but the rezoning plan sheets do not indicate this. Clarify on the Certified Plat (Sheet 3) that the library site is included in the ZCPA application.
3. The proffers pertaining to the middle school site are also being amended. Please depict this on the Certified Plat and include the school site in the description of the property.
4. In the Proffer Statement (redlined version), staff recommends that for any proffer that is proposed to be amended, the whole proffer is include, and not just the paragraph that is proposed to change. This enables staff to review the proffer in its entirety.
5. With regard to Proffer III.G.4, the Applicant is proposing conveyance of a commuter parking lot in land zoned PD-IP (Public Use Site #4). However, in the CDP (Sheet 5), the Public Use Site is shown on Land Bay EE1A which is proposed to be rezoned to PD-CC(CC). Correct/clarify this inconsistency.
6. In the preamble, paragraph 2, line 10 (redlined version), the Applicant should clarify the proposed rezoning to PD-H4 will be administered as R-8, as it is confusing and appears that the PD-H4 proposed zoning will be administered as R-24. When the intent is to propose rezoning to PD-H4 and R-24 zoning districts.
7. In the Preamble, paragraph 2, the Applicant should include that it is requesting zoning ordinance modification for the PDD-CC(CC) zoning district.
8. Correct Proffer I.A. to indicate that the LCSA site pin number is shown on Sheet 2, not Sheet 4 of the CDP.
9. With regard to Proffer I.A. it is not clear if the intent is to proffer 94 residential units or, in the

- event that other non-residential use is located on the site, then there will be no residential units in Land Bay 1. As currently written, the proffer is confusing. Clarify.
10. With regard to Proffer 1.c.1.a., the Applicant implies that there will be 6 ADU proposed in Land Bay EE2A, while Note #1 on Sheet 4 does not reference this Land Bay for ADU. Correct/clarify this inconsistency.
  11. With regard to Proffer 1.E.1., it appears that a paragraph is missing that explains the proposed use, square footage etc of Land Bay 7. Clarify.
  12. With regard to Proffer II.B.7., the Applicant notes that no more than 300 residential zoning permits within combined Land Bays 1, 2, 3, 4 and 5R may be issued prior to the construction of the improvements located listed in Phase III.B of Exhibition B. However, Land Bays 2, 3, 4 and 5R are capped at 289 units. Considering the statement in Proffer I.A., Land Bay 1 may never be developed with residential units, in which case the 300 unit trigger will never be reached. Please revise this Proffer to ensure that the improvements in Phase III.B. are met through the phasing plan.
  13. With regard to Proffer III.B.3, the Applicant is subjecting this new proffer and tying it to developments in Land Bays 2, 3 and 4, which are not included in this application. Please include these land bays with this ZCPA application.
  14. With regard to the library site Proffer III.C., there are two timing trigger – one prior to the 1601<sup>st</sup> residential zoning permit, and the other, a date certain of June 30, 2011. Staff questions if there is a potential conflict with the two timings.
  15. With regard to Proffer III.B.4., Staff questions if the land referenced here should be included in the ZCPA application, since this a new proffer added with this application.
  16. With regard to Proffer VI.G., “Tree Conservation Areas”, Staff recommends that the Applicant include paragraphs 2 and 3 to the proffer for ease of review and reference.

**Section 6-1504, Zoning Modifications:**

*(i) Proposed Modification* - The Applicant has requested a modification of Section 3-509 (C) *Additional Development Standards*, to permit a permanent open space buffer of at least 10 feet in width, landscaped with a Type 1 Side Yard Buffer in the PD-H4 Land Bay 5R along the perimeter with R-24 Land Bay 6, planned for multi-family units.

*Applicant's Justification* – The Applicant states that the modification is justified in that a Type 1 Buffer Yard of between 10 and 25 feet in width is the standard buffer yard requirement between single-family attached and multi-family residential use and that the planned density for Land Bay 6 is less than one unit per 6000 square feet. Further, both Land Bays 5R and 6 are integrated components of the Stone Ridge and share in the various community amenities provided in Stone Ridge.



Staff comment –The Zoning Ordinance requires that a minimum permanent open space of 50 feet with a Type 2 Buffer Yard is required between Land Bay 6 and Land Bay 5R. It is not clear how the proposed modification to reduce the permanent open space to 10 feet with a Type 1 buffer, will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff asked the Applicant to address this, and to include materials demonstrating how the modification will be used in the design of the project. Further, Staff asks that the Applicant provide an exhibit to depict the location and extent of the modification request. Staff cannot support the modification request at this time.

(ii) Proposed Modification - The Applicant has requested a modification of Section 4-110 (I) *Site Planning –Internal Relationships*, to permit a permanent open space buffer of at least 10 feet in width, landscaped with a Type 1 Side Yard Buffer in the PD-H4 Land Bay 5R along the perimeter with R-24 Land Bay 6, planned for multi-family units.

Applicant's Justification – See (i) above.

Staff comment – See (i) above.

(iii) Proposed Modification - The Applicant has requested a modification of Section 4-205 *Lot Requirements*, Subsection (C) (1) *Yards - Adjacent to Roads*, to allow for a minimum yard of 25 feet adjacent to Millstream Drive.

Applicant's Justification – The Applicant states that the modification is justified in that it will facilitate the design and implementation of a proffered commuter parking facility (Public Use Site #4) while maintaining a yard adjacent to Millstream Drive wide enough for landscaping to screen the parking lot.

Staff comment –The Zoning Ordinance (Section 4-205(C)(1)) states “....No building, parking, outdoor storage areas for collection of refuse or loading areas shall be permitted closer than (35) feet to any road right-of-way, except as provided in Section 4-296(E). No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.” The Applicant is proposing to reduce this setback to 25 feet. It is not clear how the proposed modification to reduce the setback to 25 feet, will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff further notes that adjacent land Bay DD maintains a setback of 35 feet. Staff asked the Applicant to address this and cannot support the modification request at this time.

(iv) Proposed Modification - The Applicant has requested a modification of Section 4-205 *Lot Requirements*, Subsection (C) (2) *Yards, Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses*, to allow for a minimum perimeter yard of 20 feet and a Type 3 buffer adjacent to the R-16 district.

Applicant's Justification – The Applicant states that the modification is justified in that it will facilitate the design and implementation of a proffered commuter parking facility (Public Use Site

#4) while providing for increased landscaping to screen the adjacent residential area.

Staff comment –The Zoning Ordinance (Section 4-205(C)(2)) states “....No building, parking, outdoor storage areas for collection of refuse or loading areas shall be permitted closer than (100) feet to any agricultural districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas.” The Applicant is proposing to reduce this setback to 20 feet. The Applicant states that the modification will facilitate design and implementation of the commuter parking facility. Staff questions the extent and location of the proposed modification and asks that the Applicant provide further clarification. Again, it is not clear how the proposed modification to reduce the setback from 100 feet to 20 feet, will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff asked the Applicant to address this and cannot support the modification request at this time.

(v)) Proposed Modification - The Applicant has requested a modification of Section 4-505 *Lot Requirements*, Subsection (B) (2) *Yards - Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses*, to allow for buildings and parking in the PD-IP zoning district (Land Bay DD) to be located no closer than fifty feet to the PD-H4 zoning district in Land Bay 5R and twenty-five feet to the R-24 zoning district in adjacent Land Bay 6.

Applicant's Justification – The Applicant states that the modification is justified in that it will facilitate the design and implementation of PD-IP uses while providing for increased landscaping to screen the adjacent residential areas, which will also have their own landscape buffer yards adjacent to the PD-IP land bay.

Staff comment –The Zoning Ordinance (Section 4-505(B)(2)) states “....No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than 60 feet to any such districts and uses.....” With this application, the Applicant is proposing a rezoning of a portion of approved Land Bay DD (PD-IP) to PD-H4 and R-24 zoning districts to allow for a transfer or relocation of residential units from the western side of the power line easement to the eastern side to consolidate residential units to create a cohesive residential community along this portion of the development. The Applicant is also proposing a Type 3 Buffer Yard of twenty-five feet in width supplemented to include 8 evergreen trees per linear feet to be maintained within Land Bay DD adjacent to Land Bays 5R and 6. Staff can support this modification request.